Testimony:
JAMES H.I. WEAKLEY
PRESIDENT
LAKE CARRIERS' ASSOCIATION
Suite 915 • 614 West Superior Avenue • Cleveland, Ohio 44113-1383
Phone: 216-861-0590 • Fax: 216-241-8262 • E-Mail: weakley@lcaships.com

CHALLENGES FACING THE COAST GUARD MARINE SAFETY PROGRAM

House Subcommittee on Coast Guard and Maritime Transportation
House Committee on Transportation and Infrastructure
Room 2167 Rayburn House Office Building
Washington, DC

August 2, 2007 • 2:00 p.m.

Thank you, Mr. Chairman, for the opportunity to appear before this Subcommittee. My name is James H.I. Weakley, and I am President of Lake Carriers' Association. Since 1880, Lake Carriers' Association has represented U.S.-Flag commercial vessel operators on the Great Lakes. Today, we represent 18 American corporations that operate 63 U.S.-Flag Lakers. The cargos our members carry drive the U.S. economy: iron ore for the steel industry, coal for power generation, limestone and cement for the construction industry, to mention a few. When high water levels offset the lack of adequate dredging at Great Lakes ports and waterways, our members can carry as much as 120 million tons of cargo per year.

I want to make abundantly clear that our members could not meet the needs of commerce without the dedicated men and women of the Ninth District Coast Guard working with them. When the season begins in mid-March, it is U.S. Coast Guard icebreakers that open and maintain the shipping lanes. As the ice weakens, the U.S. Coast Guard turns its attention to placement and maintenance of Aids to Navigation. During the season, the U.S. Coast Guard issues *Local Notices to Mariners* to keep the ships' crews apprised of a buoy off station and other developments, establishes safety zones so commercial and recreational navigation do not conflict, and performs many other activities. Then as the season closes, it's back to icebreaking.

Time and time again, we have seen U.S. Coast Guard crews set out in the harshest conditions to free an icebound vessel or med-evac a sick crewmember. No one questions the dedication of the United States Coast Guard personnel stationed on the Great Lakes.

Is the system perfect? Of course not. That is why we must hold hearings such as this one. Our purpose today is not to criticize or condemn, but to carefully examine the workings of the United States Coast Guard and determine how to best achieve our nation's goal of safe and efficient commercial navigation on its waters.

Testimony:
JAMES H.I. WEAKLEY
PRESIDENT - LAKE CARRIERS' ASSOCIATION
Suite 915 • 614 West Superior Avenue • Cleveland, Ohio 44113-1383
Phone: 216-861-0590 • Fax: 216-241-8262 • E-Mail: weakley@lcaships.com

CHALLENGES FACING THE COAST GUARD MARINE SAFETY PROGRAM

House Subcommittee on Coast Guard and Maritime Transportation
House Committee on Transportation and Infrastructure
Room 2167 Rayburn House Office Building
Washington, DC

August 2, 2007 • 2:00 p.m.

Today, I would like to describe my vision for the ideal system, discuss some of the challenges posed by the current system, and make general recommendations to meet those challenges. Only through mutual understanding and cooperation between Government and the public it serves can the national security needs of our nation be met. This is a national security issue in its purest sense — protecting the economic interests of our citizens, facilitating commerce with our trading partners, and guarding the physical security of our ports and waterways.

The Marine Safety Program should ensure the availability of qualified mariners, and ensure all vessels operating in the United States are well maintained and safely operated. It must provide a level playing field between U.S.-Flag and foreign-flag vessels calling on our ports. In order to accomplish these fundamental goals, the Program must be adequately resourced. We need consistent application of laws and regulations – both with regard to differences in time and location. The ideal Program also requires a "learning organization" – one that builds on its experience and expertise and can recognize that all processes can be improved and that mistakes are possible. We need an appeals process that results in a fair and objective review of the facts and decision. Not only to review the current situation, but to lay the foundation for better decisions in the future.

Obviously, the amount of people and equipment must be sufficient for the task at hand, but much more is needed. Marine Safety decision makers, at all levels of the process, must have the appropriate knowledge and experience to make judgments regarding the seaworthiness of the vessel or mariner. An understanding of the general principles must be augmented by specific expertise in the application of the regulations and the service for which the vessel is intended. That understanding and expertise must be tempered and sharpened in the crucible of experience. There is no substitute for experience, particularly seagoing experience. You can read all of the theory you want, but until you have navigated a vessel in congested waters, completed "light-offs" on a cold engine room, or traced out the fuel oil system, you cannot fully grasp the complexity or simplicity of the situation.

In addition to knowledge and experience, there is an additional element needed to best serve our national security interests via the Marine Safety Program. It is an intangible I call "appropriate posture." Think for a minute of the vastly different jobs a City building inspector and a Local police officer have. Both are law enforcement officers, and each approach their jobs differently, have different training, and take on a different "posture" depending on the situation they are dealing with. There are times when it is necessary and appropriate for a law enforcement agency to take an aggressive approach, including a show or use of force.

This is as true for individuals as it is for organizations. In other instances, a less aggressive, more collaborative approach is more appropriate and better serves the public's interests. I know of no Mayor in America who would send a building inspector to respond to a traffic accident, nor would he or she send a police officer to look at a plumbing installation. It is not just a matter of training and experience; it is also a matter of appropriate law enforcement posture. The ideal Marine Safety Program would use a law enforcement posture appropriate for the mission. This is true when conducting an inspection, executing a boarding, issuing a requirement, or reviewing an appeal.

There are many challenges facing the Marine Safety Program. I worry about the Program's ability to compete for money and people as the U.S. Coast Guard continues to take on additional and fundamentally different responsibilities. The backlog of licenses and documents for Merchant Mariners is unacceptable and may become worse with the TWIC (Transportation Worker Identification Credential) card implementation.

Industry is often frustrated by inconsistent interpretations and requirements. These may vary between Sector Commands or may change with the rotation of a single individual stationed at a Sector. The Program needs institutional memory and coordinated enforcement to ensure a level playing field and to reduce the cost of unnecessary requirements. When a difference of opinion between U.S. Coast Guard Offices or Officers takes place, industry often pays the price, with no guarantee the next encounter will not result in yet different interpretations and additional requirements.

The rotation of U.S. Coast Guard personnel after only two or three years in a position or location contributes to the problem. This constant shuffling of personnel denies both industry and the U.S. Coast Guard the expertise that comes only with experience. All ships and barges float, but that is where the similarity ends. On the Great Lakes, we operate in fresh water. This means a properly-maintained hull can last almost indefinitely. We operate a cement carrier, the ST. MARYS CHALLENGER, which was built in 1906. Two other vessels still operating were christened in 1929 — the year of the Stock Market Crash. Fourteen U.S.-Flag Lakers in operation this year were launched when Harry S. Truman or Dwight D. Eisenhower was President of the United States. I want to emphasize that these are well maintained vessels, and a great deal of pride goes into their operation. They are like vintage muscle cars, designed and built at a different time, but more than capable of getting the job done. They are beautiful ships, unmatched in their elegance and utility.

Such long, safe, and productive careers are unattainable in the corrosive salt water environment. A major operator of U.S.-Flag containerships is hoping to extend the life of its deep-sea vessels to 35 years through careful maintenance.

The Great Lakes are truly unique, so a U.S. Coast Guard officer who has been inspecting trailerships that trade between Washington State and Alaska has much to learn when assigned to the Great Lakes. There is no crash course. And just about the time an inspector has his "Lakes legs," it's off to the East Coast or the Inland River System. In many cases, an inspector may be seeing a steam plant or a riveted hull for the first time when he or she steps aboard to conduct an inspection. The inspector may not be familiar with the regulations that apply to this vessel because of its type of service and age. He or she may not even have access to a copy of the written regulations that apply, due to regulatory "grandfathering" and the unique operating environment. We often have inspectors try to enforce SOLAS (Safety of Life at Sea) regulations, which do not apply to the Great Lakes, or misapply other regulations or Navigation Circulars. These are the most inspected vessels in history. The ships' crews, classification societies, and government inspectors annually inspect these ships and have been doing so for decades.

The U.S. Coast Guard must consider longer tours of duty in positions that require knowledge that can only be gained by experience. Rotation among U.S. Coast Guard Sectors within the same District could also result in more experienced decision makers. Another option would be to use more civilian employees with specific geographic and industry expertise. The U.S. Army Corps of Engineers successfully uses this model at its District Offices. Although the military commanders rotate and remain in charge, they have an experienced group of civilian employees providing expertise and continuity.

Many of the functions I've discussed came under the U.S. Coast Guard's jurisdiction during World War II. Previously, the Bureau of Marine Inspection and Navigation performed these tasks, apparently quite well. When hearings were held in 1946 to restore the Bureau of Marine Inspection and Navigation, many comments were in favor, especially because the Bureau was largely staffed with individuals who had worked on commercial vessels and brought real-world experience to the job. Procedural issues blocked the move. The last person to enter the U.S. Coast Guard via the "219" Program retired several years ago, and with him went the last vestige of the Program designed to attract licensed, experienced Merchant Mariners to the Marine Safety Program. The Marine Safety Program would benefit from an influx of industry-specific expertise and experience.

Testimony:
JAMES H.I. WEAKLEY
PRESIDENT - LAKE CARRIERS' ASSOCIATION
Suite 915 • 614 West Superior Avenue • Cleveland, Ohio 44113-1383
Phone: 216-861-0590 • Fax: 216-241-8262 • E-Mail: weakley@lcaships.com

CHALLENGES FACING THE COAST GUARD MARINE SAFETY PROGRAM

House Subcommittee on Coast Guard and Maritime Transportation
House Committee on Transportation and Infrastructure
Room 2167 Rayburn House Office Building
Washington, DC

August 2, 2007 • 2:00 p.m.

We need a better process for the U.S. Coast Guard to learn from decisions made by field inspectors and Sector Commanders. An appeal process which results in a fair, objective, and timely review could improve the credibility of the Marine Safety Program and transform it to more of a learning organization. Any military organization's instinct is to support its field commanders; however, unless there is a process to review decisions and processes, learning and improvement are opportunities often missed.

On the shoulders of Lake Carriers' Association's members rests the great responsibility to deliver a major portion of the nation's raw materials requirements. Approximately 70 percent of America's steel is made in the Great Lakes Basin. 70 percent of our automobiles roll off production lines in the Great Lakes region. Efficient movement of raw materials on the Great Lakes makes all that and more possible. We hope the U.S. Coast Guard and the U.S. maritime industry will roll up their sleeves, sharpen their pencils, and craft new procedures that meet the needs of the 21st Century.

Lake Carriers' Association's has deep respect for the United States Coast Guard and the men and women who serve in blue. We believe there is an opportunity to improve the Marine Safety Program. If done properly, active duty sailors can be freed up to pursue other U.S. Coast Guard missions, our limited government resources can be used in a more effective manner, and commerce can move more safely and with greater efficiency. The national security interests of the United States of America demand we remain vigilant and efficient.